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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,951	12/03/2003	Yoshiyuki Kikuchi	9281/4733	4363
757	7590	03/03/2005	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			PEYTON, TAMMARA R	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,951

Applicant(s)

KIKUCHI ET AL.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/29/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 23-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 10-18, 54 and 57 is/are allowed.
- 6) ☒ Claim(s) 5, 6, 19, 20, 23, 25-27, 30-44, 46-53, 55, 56 and 58 is/are rejected.
- 7) ☒ Claim(s) 7-9, 24, 28, 29 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/3/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 5, 6, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Frid, (US 6,075,517) as cited as IDS on 12/03/03.

As per claim 5, Frid teaches a personal computer system comprising:
a first input device;
a second input device that differs from the first input device;

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an output means for outputting operation signals from said first input device and from said second input device in a variable length signal format; and a processing unit that alternates selects operational from said first input device and from second input device in response to an operation of said first input device and said second input device;

a buffer coupled to the processing unit that receives relative data from the first input device and the second input device and;

wherein said output means adds an identifier selected portions of the operation signals that distinguishes the input devices. (Abstract, cols. 2-8)

As per claim 6, Frid inherently teaches wherein said first input device outputs variable information on X, Y, and Z three-dimensional coordinates, and said second input device outputs variable information on X and Y two-dimensional coordinates, and where said second input device outputs variable information on X and Y two-dimensional coordinates, and when said second device is used, said identifier is added to a Z-information field of the signal format output from said output device.

As per claim 19, Frid teaches a dual pointing device comprising:

an input/output port;

a touch pad (col. 1, line 28) comprising a first relative pointing device and an absolute pointing device coupled to an input of the input/output port; and

a second pointing device comprising a second relative pointing device coupled to the input of the input/output port;

wherein the input/output port comprises a single output port through which data is transferred from the first relative pointing device and the second relative pointing device in only one of two fixed data stream lengths to a driver that resides on a host; and

wherein the touch pad and the second pointing device comprise cursor-control devices that smoothly control an on-screen cursor movement.

As per claim 20, Frid teaches a dual pointing device comprising:

a single input/output port;

a first pointing device comprising a first relative pointing device and an absolute pointing device coupled to an input of the input/output port;

a second pointing device comprising a second relative pointing device coupled to the input of the input/output port and a format device configured to send identifying data to a driver that identifies the first and second relative pointing devices;

wherein the input/output port comprises a single output through which data is transferred from the first pointing device and the second pointing device to the driver coupled to the first pointing device and the second pointing device and wherein the first and second pointing devices further comprise cursor-control devices that can both control a position of a cursor.

Claims 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Hinckley, (US 6,232,957).

As per claim 5, Hinckley teaches a personal computer system comprising:

- a first input device;
- a second input device that differs from the first input device;
- an output means for outputting operation signals from said first input device and from said second input device in a variable length signal format; and a processing unit that alternates selects operational from said first input device and from second input device in response to an operation of said first input device and said second input device;
- a buffer coupled to the processing unit that receives relative data from the first input device and the second input device and;
- wherein said output means adds an identifier (at least one byte) selected portions of the operation signals that distinguishes the input devices. (Abstract, cols. 4-20)

As per claim 6, Hinckley inherently teaches wherein said first input device outputs variable information on X, Y, and Z three-dimensional coordinates, and said second input device outputs variable information on X and Y two-dimensional coordinates, and where said second input device outputs variable information on X and Y two-dimensional coordinates, and when said second

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device is used, said identifier is added to a Z-information field of the signal format output from said output device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23, 25-27, 30-44, 46-53, 55, 56, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frid, (US 6,075,517) as cited as IDS on 12/03/03.

As per claims 23, 25-27, and 30-44, 46-53, 55, 56, and 58, Frid teaches a dual pointing device used to control a cursor in a notebook computer comprising:

a port;

a format logic coupled to the port, the format logic configured to transmit a data stream in lengths of three and more bytes;

a touch pad comprising a first relative pointing device and an absolute pointing device coupled to the format logic;

a stick (mouse) comprising a second relative pointing device coupled to the format logic; and

the first relative pointing device and the second relative pointing device each comprising a cursor control device in which a movement of a cursor on the screen correlates to a movement detected by the first relative pointing device or the second relative pointing device;

wherein the format logic is configured to embed identifying data in the data stream in response to a command received from the computer, the identifying data distinguishing the stick from the touch pad, and the port comprise a single channel through which data is transmitted to the computer.

Frid teaches a system having a first pointing device and a second pointing device wherein identifying packet data distinguishing between the first and second pointing device. Specifically, Frid teaches adding one or more bytes to each data packet in order to maximum the size of the packet data, nonetheless, Frid clearly distinguished between the first and second pointing device by the number of bytes that must be added to the identifying packet data. However, Frid does not teach the use of a stick as the relative pointing device, instead Frid teaches the use of a mouse or trackball as the relative pointing device. It would have been obvious to one of ordinary skill at the time the invention was made that a stick, mouse, and trackball are well known relative pointing devices and Frid would have been motivated to utilized other type of relative devices without

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departing from the inventive concept because doing so would expand and add to the flexibility of Frid dual pointing device system.

Allowable Subject Matter

Claims 1-4, 10-18, 54, and 57.

Claims 7-9, 24, 28, 29, and 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the

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status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

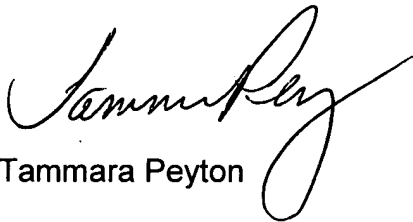
Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(703) 872-9306

Hand-delivered responses should be brought to:

USTPO, 2011 South Clark Place, Customer Window

Crystal Plaza Two, Lobby Room 1B03, Arlington, VA, 22202 Crystal Park II,
2121.

A handwritten signature in black ink, appearing to read 'Tammara Peyton', with a stylized flourish extending from the end.

Tammara Peyton

February 21, 2005